

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED  
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BEVERLY ADKINS, CHARMAINE WILLIAMS,  
REBECCA PETTWAY, RUBBIE McCOY,  
WILLIAM YOUNG, on behalf of themselves and all  
others similarly situated, and MICHIGAN LEGAL  
SERVICES,

Plaintiffs,

1:12-cv-7667-HB

v.

MORGAN STANLEY, MORGAN STANLEY &  
CO. LLC, MORGAN STANLEY ABS CAPITAL I  
INC., MORGAN STANLEY MORTGAGE  
CAPITAL INC., and MORGAN STANLEY  
MORTGAGE CAPITAL HOLDINGS LLC,

Defendants.

**STIPULATION AND PROPOSED ORDER FOR ADOPTION OF REVISED  
PROTOCOL FOR ELECTRONICALLY STORED INFORMATION AND OTHER  
DISCOVERY**

WHEREAS, on December 18, 2012, the Court entered the Protocol for Electronically  
Stored Information and Other Discovery (the "ESI Protocol");

WHEREAS, under the ESI Protocol, the Parties are currently required to exchange lists  
of keyword search terms and hosting platforms by August 9, 2013, to exchange any edits and/or  
additions to the proposed lists of terms by August 14, 2013, and to discuss those search terms at  
a meet-and-confer currently scheduled for August 19, 2013 (*see* ESI Protocol §§ 2.c.ii-iv);

WHEREAS, Defendants have been diligently working to collect documents and develop  
appropriate search terms, but require additional time to develop appropriate search terms because  
of the complexity of electronic discovery in this action; and


WHEREAS, a brief extension of the deadlines noted above will not affect other discovery deadlines in this action, including those proposed in the Joint Motion For Adoption of Revised Scheduling Order filed by the Parties on August 6, 2013;

IT IS HEREBY STIPULATED AND AGREED by the Parties,<sup>1</sup> and it is ORDERED by the Court that:

1. The deadline to comply with ESI Protocol § 2.c.ii, requiring exchange of lists of keyword search terms and hosting platforms, shall be extended until August 16, 2013;
2. The Parties shall comply with ESI Protocol § 2.c.iii, which requires the exchange any edits and/or additions to the proposed lists of search terms, by August 21, 2013; and
3. The Parties shall hold a meet-and-confer, as contemplated in ESI Protocol § 2.c.iv, on August 23, 2013.

IT IS SO ORDERED:

8/20/13

  
The Honorable Harold Baer, Jr.  
United States District Judge

<sup>1</sup> On August 5, 2013, Defendants filed a motion to stay this matter pending the Supreme Court's decision in *Township of Mount Holly v. Mount Holly Gardens Citizens in Action, Inc.*, No. 11-1507 (U.S. June 17, 2013), in which the Court will consider whether disparate impact claims are cognizable under the Fair Housing Act. The motion asks, in the alternative, for certification of the Court's July 25, 2013 Order for appeal under 28 U.S.C. § 1292(b). Plaintiffs oppose the request. Defendants join this stipulation for modification of the ESI Protocol to the extent that the Court denies their motion.

Dated: August 9, 2013

Respectfully submitted,

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